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09/674,816	12/04/2000	Richard John Barry	450110-02873	5258

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EXAMINER

COULTER, KENNETH R

ART UNIT PAPER NUMBER

2141

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/674,816

Applicant(s)

BARRY ET AL.

Examiner

Kenneth R. Coulter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12 and 14-28 is/are rejected.
- 7) ☒ Claim(s) 10 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 9, 11, 12, 14 – 25 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ludtke (U.S. Pat. No. 6,154,206) (Method and Apparatus for Distributed Conditional Access Control on a Serial Communication Network)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

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2.1 Regarding claim 1, Ludtke discloses a conditional access subunit for connection to an IEEE 1394 network, the conditional access subunit including:

receiving means to receive AV/C Conditional Access Commands over the IEEE 1394 network from one or more other subunits (Abstract; Figs. 2 – 4; col. 3, lines 10 – 35; col. 4, line 65 – col. 5, line 18);

transmitting means to transmit AV/C responses over the IEEE 1394 network in response to the received AV/C Conditional Access Commands (Abstract; Figs. 2 – 4; col. 3, lines 10 – 35; col. 4, line 65 – col. 5, line 18);

descrambling means to descramble a transport stream received over said IEEE 1394 network (Abstract; Figs. 2 – 4; col. 3, lines 10 – 35; col. 4, line 65 – col. 5, line 18); and

local scrambling means to scramble said transport stream before transmitting said transport stream to one or more other subunits (Abstract; Figs. 2 – 4; col. 3, lines 10 – 35; col. 4, line 65 – col. 5, line 18);

wherein said conditional access subunit is operable to simultaneously descramble a plurality of streams/services (Abstract; Figs. 2 – 4; col. 3, lines 10 – 35; col. 4, line 65 – col. 5, line 18).

2.2 Per claims 2 and 3, the rejection of claim 1 under 35 USC 102(e) (paragraph 2.1 above) applies fully.

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2.3 Regarding claims 4 – 9, 11, 12, and 14 – 24, Ludtke discloses the specifics involving particular commands (Abstract; Figs. 2 – 4; col. 3, lines 10 – 35; col. 4, line 65 – col. 5, line 18).

2.4 Per claim 25, Ludtke teaches a conditional access subunit for connection to an IEEE 1394 network for use in descrambling a transport stream received over the network (Abstract; Figs. 2 – 4; col. 3, lines 10 – 35; col. 4, line 65 – col. 5, line 18) wherein the conditional access subunit, having descrambled the transport stream, introduces a local scrambling before retransmitting the transport stream to other subunits on the network, such that only authorized subunits on the network capable of local descrambling can receive the information in the transport stream (Abstract; Figs. 2 – 4; col. 3, lines 10 – 35; col. 4, line 65 – col. 5, line 18);

wherein said conditional access subunit is operable to simultaneously descramble a plurality of streams/services (Abstract; Figs. 2 – 4; col. 3, lines 10 – 35; col. 4, line 65 – col. 5, line 18).

2.5 Regarding claim 28, Ludtke discloses a tuner device having an embedded conditional access subunit (Abstract; Figs. 2 – 4; col. 3, lines 10 – 35; col. 4, line 65 – col. 5, line 18).

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3. Claims 1 – 9, 11, 12, 14 – 25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Murray (U.S. Pat. No. 4,817,143) (Scrambled Signal Receiver).

3.1 Regarding claim 1, Murray discloses a conditional access subunit for connection to an IEEE 1394 network, the conditional access subunit including:

receiving means to receive AV/C Conditional Access Commands over the IEEE 1394 network from one or more other subunits (Abstract; Fig. 1; col. 1, lines 49 – 68; col. 2, lines 25 - 51);

transmitting means to transmit AV/C responses over the IEEE 1394 network in response to the received AV/C Conditional Access Commands (Abstract; Fig. 1; col. 1, lines 49 – 68; col. 2, lines 25 - 51);

descrambling means to descramble a transport stream received over said IEEE 1394 network (Abstract; Fig. 1; col. 1, lines 49 – 68; col. 2, lines 25 - 51);  
and

local scrambling means to scramble said transport stream before transmitting said transport stream to one or more other subunits (Abstract; Fig. 1; col. 1, lines 49 – 68; col. 2, lines 25 - 51);

wherein said conditional access subunit is operable to simultaneously descramble a plurality of streams/services (Abstract; Fig. 1; col. 1, lines 49 – 68; col. 2, lines 25 - 51).

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3.2 Per claims 2 and 3, the rejection of claim 1 under 35 USC 102(b) (paragraph 3.1 above) applies fully.

3.3 Regarding claims 4 – 9, 11, 12, and 14 – 24, Murray discloses the specifics involving particular commands (Abstract; Figs. 1, 3; col. 1, lines 49 – 68; col. 2, lines 25 – 51; col. 3, lines 4 – 59).

3.4 Per claim 25, Murray teaches a conditional access subunit for connection to an IEEE 1394 network for use in descrambling a transport stream received over the network (Abstract; Fig. 1; col. 1, lines 49 – 68; col. 2, lines 25 - 51) wherein the conditional access subunit, having descrambled the transport stream, introduces a local scrambling before retransmitting the transport stream to other subunits on the network, such that only authorized subunits on the network capable of local descrambling can receive the information in the transport stream (Abstract; Fig. 1; col. 1, lines 49 – 68; col. 2, lines 25 - 51);

wherein said conditional access subunit is operable to simultaneously descramble a plurality of streams/services (Abstract; Fig. 1; col. 1, lines 49 – 68; col. 2, lines 25 - 51).

3.5 Regarding claim 28, Murray discloses a tuner device having an embedded conditional access subunit (Abstract; Fig. 1; col. 1, lines 49 – 68; col. 2, lines 25 - 51).

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4. Claims 26 and 27 are rejected under 35 U.S.C. 102(e) as being disclosed by Newby et al. (U.S. Pat. No. 5,796,829 (Conditional Access System)).

4.1 Regarding claim 26, Newby discloses a conditional access subunit for connection to an IEEE 1394 network having a tuner subunit (Fig. 1, item 30; Fig. 3, item 122), the conditional access subunit having means for periodically contacting the tuner subunit to request the received transport stream for a period of time sufficient to allow the conditional access subunit to update the entitlement management messages stored in the conditional access subunit (Fig. 1; col. 3, lines 7 - 26).

4.2 Per claim 27, the rejection of claim 26 (paragraph 4.1 above) under 35 USC 102(e) applies fully.

### ***Response to Arguments***

5. Applicant's arguments filed 8/14/06 (regarding claims 26 and 27) have been fully considered but they are not persuasive.

Applicant argues that Newby does not explicitly teach or suggest the claim features of claim 26.

Examiner disagrees.



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The features of claim 26 are clearly disclosed in Newby as detailed in the rejection of claim 26 above (paragraph 4.1).

***Allowable Subject Matter***

6. Claims 10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M – F, 7 am – 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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KENNETH R. COULTER  
PRIMARY EXAMINER  


krc